

Senate Bill No. 600

Passed the Senate September 9, 1999

Secretary of the Senate

Passed the Assembly September 8, 1999

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 1999, at _____ o'clock ____M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Sections 116.760, 631.3, 1141.18, and 1141.28 of the Code of Civil Procedure, to amend Section 7895 of the Family Code, to amend Sections 68085, 70141, 72055, 77009, 77201.1, 77212, and 77654 of, and to add Section 811.9 to, the Government Code, to amend Section 1037 of the Penal Code, and to amend Section 100 of, to amend and repeal Section 326 of, and to add Section 326.5 to, the Welfare and Institutions Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 600, Costa. Trial court funding.

(1) Existing law requires a party that appeals a judgment in small claims court to pay the same superior court filing fee that is required for an appeal of a limited civil case.

This bill would require payment of the same fees required for an appeal of a limited civil case.

(2) Existing law prohibits a refund of jury fees deposited with a judge or clerk when a case is settled or a continuance is granted on a motion by the depositing party if the court makes a finding regarding insufficient notice to the jurors.

This bill would extend the applicability of this prohibition to also apply where the depositing party waives a jury if the court makes a finding regarding insufficient notice to jurors. The bill would also require jury fees deposited in advance of trial prior to January 1, 1999, and which remain on deposit in specified cases, to be transmitted to the Controller for deposit in the Trial Court Trust Fund.

(3) Existing law provides that the county may increase the compensation for arbitrators in that county.

This bill would provide instead that the Judicial Council may increase the compensation for arbitrators in a county.

(4) Existing law provides for the county to pay for the costs of arbitration, except as specified.



This bill would require the court to pay for the costs of arbitration, except as specified.

(5) Existing law requires the state to pay for the preparation and transmittal of the reporter's and clerk's transcripts upon an appeal from a judgment freeing a child who is a dependent of the juvenile court from parental custody and control. Existing law authorizes the state to seek reimbursement from the appellant for the cost of the transcripts, as specified.

This bill would delete the requirement that the state pay the above-described costs and would authorize the court to seek reimbursement from the appellant.

(6) Existing law provides for the liability of public entities and public employees.

This bill would provide that judges, subordinate judicial officers, and court administrators and executive officers of the superior and municipal courts are state officers for purposes of specified provisions of existing law regarding claims and actions against public entities and public employees. It also would make a related statement of legislative intent.

(7) Existing law requires the Judicial Council to report to the Legislature on alternative procedures that would improve the collection and remittance of revenues to the Trial Court Trust Fund no later than February 1, 1999.

This bill would extend that date to February 1, 2000.

(8) Existing law prohibits child support commissioners appointed by the superior court from being deemed a court operation for purposes of state funding of the courts.

This bill would delete this provision.

(9) Existing law requires each county to establish a Trial Court Operations Fund in the county treasury, as specified.

This bill would require all funds received by a trial court for operating and program purposes to be deposited in the trial court operations fund; and would require funds received for funding child support commissioners and family law facilitators, and specified funds received

for purposes other than court operations, to be placed in special accounts in that fund, as specified.

(10) Existing law specifies various amounts, and contingent revisions to those amounts, which certain counties are required to remit to the state for purposes of trial court funding beginning on July 1, 1999; and provides for the continuation of services provided to courts by counties or cities and counties. This bill would revise the applicability of the first provision and recast the second provision.

(11) Existing law provides that a county shall be responsible for providing necessary facilities for judicial officers and support staff for judicial positions created prior to July 1, 1996, during the period from July 1, 1997, to June 30, 2001; and that a county shall be responsible for necessary facilities for judicial officers and support staff for judgeships authorized by statutes chaptered in 1996; but that the state shall assume financial responsibility for necessary facilities for judicial officers and support staff for judgeships authorized from January 1, 1998, to June 30, 2001, unless the county and the court agree to the contrary.

This bill would further provide that if the state assumes full responsibility for court facilities after June 30, 2001, a county shall be reimbursed for costs incurred by the county general fund for new court facilities constructed or under construction between January 1, 2000, and the date of the state assumption of responsibility for court facilities; and if the state assumes a shared responsibility for court facilities after June 30, 2001, a county shall be reimbursed for costs incurred by the county general fund for new court facilities constructed or under construction between January 1, 2000, and the date of the state assumption of shared responsibility for court facilities, in the same proportion as the state's responsibility for court facilities after June 30, 2001.

(12) Existing law provides that when a court orders a change of venue in a criminal case to another county all costs incurred by that county, which are not payable by



the state, as specified, shall be a charge against the county in which the action originated.

This bill would provide, instead, that when a court orders a change of venue to a court in another county all costs incurred by that court or county, which are not payable by the state, as specified, shall be a charge against the court or the county in which the action originated. The bill would further provide that costs that are included in the definition of court operations shall be considered court costs and are a charge against the court in the county in which the action originated; that all other costs shall be considered county costs and are a charge against the county in which the action originated; and that the presiding judge of the court, or his or her designee, shall authorize, and the treasurer shall pay, the amount of court costs out of the Trial Court Operations Fund as directed by the court.

(13) Existing law requires the Judicial Council to establish or expand court-appointed special advocate programs pursuant to a request-for-proposal process, upon application by a board of supervisors.

This bill would delete the requirement for application by a board of supervisors.

(14) Existing law requires, for purposes of federal Child Abuse Prevention and Treatment Act grants, the probation officer or social worker who files a petition where there is alleged neglect or abuse of a minor to be the guardian ad litem to represent the interest of the minor unless the court appoints another.

This bill would provide that the above-described requirement would become inoperative on July 1, 2000, and be repealed January 1, 2001, and would require the Judicial Council to adopt a rule effective July 1, 2000, that requires the appointment of a guardian ad litem, who may be an attorney or a court-appointed special advocate, for minors in which there is filed a petition with the juvenile court based upon neglect or abuse or in which a prosecution is initiated arising from abuse or neglect of a minor.



(15) The bill would impose a state-mandated local program by imposing new duties upon courts and the county treasurer.

(16) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would make a technical, nonsubstantive change in those provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 116.760 of the Code of Civil Procedure is amended to read:

116.760. (a) The appealing party shall pay the same fees that are required for an appeal of a limited civil case.

(b) A party who does not appeal shall not be charged any fee for filing any document relating to the appeal.

SEC. 2. Section 631.3 of the Code of Civil Procedure is amended to read:

631.3. Notwithstanding any other provision of law, when a party to the litigation has deposited jury fees with the judge or clerk and that party waives a jury or obtains a continuance of the trial, or the case is settled, none of the deposit shall be refunded if the court finds there has been insufficient time to notify the jurors that the trial would not proceed at the time set. If the jury fees so deposited are not refunded for the reasons herein specified, or if a refund of jury fees deposited with the judge or clerk has not been requested, in writing, by the depositing party within 20 business days from the date on which the jury is waived or the action is settled, dismissed,



or a continuance thereof granted, the fees shall be transmitted to the Controller for deposit into the Trial Court Trust Fund. All jury fees and mileage fees that may accrue by reason of a juror serving on more than one case in the same day shall be transmitted to the Controller for deposit into the Trial Court Trust Fund. All jury fees that were deposited with the court in advance of trial pursuant to Section 631 prior to January 1, 1999, and which remains on deposit in cases that were settled, dismissed, or otherwise disposed of prior to January 1, 1998, shall be transmitted to the Controller for deposit into the Trial Court Trust Fund.

SEC. 3. Section 1141.18 of the Code of Civil Procedure is amended to read:

1141.18. (a) Arbitrators shall be retired judges, retired court commissioners who were licensed to practice law prior to their appointment as a commissioner, or members of the State Bar, and shall sit individually. A judge may also serve as an arbitrator without compensation. People who are not attorneys may serve as arbitrators upon the stipulation of all parties.

(b) The Judicial Council rules shall provide for the compensation, if any, of arbitrators, except that no compensation shall be paid prior to the filing of the award by the arbitrator, or prior to the settlement of the case by the parties. Compensation for arbitrators shall, unless waived in whole or in part, be one hundred fifty dollars (\$150) per case, or one hundred fifty dollars (\$150) per day, whichever is greater, except that the Judicial Council may, after consultation with the affected courts in the county or city and county, set a higher level of compensation for courts in that county or city and county..

(c) The board of governors of the State Bar shall provide by rule for the method of selection of arbitrators after consulting with administrative committees established pursuant to Rule 1603 of the Judicial Arbitration Rules for Civil Cases and with county bar associations in counties where there are no administrative committees. These rules shall provide for specialized



panels and shall become operative upon approval of the Judicial Council.

(d) Any party may request the disqualification of the arbitrator selected for his or her case on the grounds and by the procedures specified in Section 170.1 or 170.6. A request for disqualification of an arbitrator on grounds specified in Section 170.6 shall be made within five days of the naming of the arbitrator. An arbitrator shall disqualify himself or herself, upon demand of any party to the arbitration made before the conclusion of the arbitration proceedings on any of the grounds specified in Section 170.1.

SEC. 4. Section 1141.28 of the Code of Civil Procedure is amended to read:

1141.28. (a) All administrative costs of arbitration, including compensation of arbitrators, shall be paid for by the court in which the arbitration costs are incurred, except as otherwise provided in subdivision (b) and in Section 1141.21.

(b) The actual costs of compensation of arbitrators in any proceeding which would not otherwise be subject to the provisions of this chapter but in which arbitration is conducted pursuant to this chapter solely because of the stipulation of the parties, shall be paid for in equal shares by the parties. If the imposition of these costs would create such a substantial economic hardship for any party as not to be in the interest of justice, as determined by the arbitrator, that party's share of costs shall be paid for by the court in which the arbitration costs are incurred. The determination as to substantial economic hardship may be reviewed by the court.

SEC. 5. Section 7895 of the Family Code is amended to read:

7895. (a) Upon appeal from a judgment freeing a child who is a dependent child of the juvenile court from parental custody and control, the appellate court shall appoint counsel for the appellant as provided by this section.

(b) Upon motion by the appellant and a finding that the appellant is unable to afford counsel, the appellate



court shall appoint counsel for the indigent appellant, and appellant's counsel shall be provided a free copy of the reporter's and clerk's transcript. All of those costs are a charge against the state.

(c) The reporter's and clerk's transcripts shall be prepared and transmitted immediately after filing of the notice of appeal, at court expense and without advance payment of fees. If the appellant is able to afford counsel, the court may seek reimbursement from the appellant for the cost of the transcripts under subdivision (c) of Section 68511.3 of the Government Code as though the appellant had been granted permission to proceed in forma pauperis.

SEC. 6. Section 811.9 is added to the Government Code, to read:

811.9. (a) Notwithstanding any other provision of law, judges, subordinate judicial officers, and court administrators and executive officers of the superior and municipal courts are state officers for purposes of Sections 810 to 996.6, inclusive.

(b) The terms "court administrator" and "executive officer" refer solely to the senior administrator or executive officer of the court. Nothing in this section shall be construed to apply to other trial court employees, nor to otherwise affect the status of trial court employees.

(c) To promote the cost-effective, prompt, and fair resolution of actions, proceedings, and claims affecting the trial courts, the Judicial Council shall adopt rules of court requiring the Administrative Office of the Courts to manage actions, proceedings, and claims that affect the trial courts and involve superior or municipal courts, superior or municipal court judges, superior or municipal court subordinate judicial officers, or superior or municipal court administrators or executive officers in consultation with the affected courts and individuals. The Administrative Office of the Courts' management of these actions, proceedings, and claims shall include, but not be limited to, case management and administrative responsibilities such as selecting counsel and making strategic and settlement decisions.



SEC. 7. Section 68085 of the Government Code is amended to read:

68085. (a) (1) There is hereby established the Trial Court Trust Fund, the proceeds of which shall be apportioned at least quarterly for the purpose of funding trial court operations, as defined in Section 77003. In no event shall apportionment payments exceed 30 percent of the total annual apportionment to the Trial Court Trust Fund for state trial court funding in any 90-day period.

(2) The apportionment payments shall be made by the Controller. For fiscal year 1997–98, the Controller shall make the first apportionment payment within 10 days of the operative date of this section. The final payment from the Trial Court Trust Fund for each fiscal year shall be made on or before August 31 of the subsequent fiscal year.

(3) If apportionment payments are made on a quarterly basis, the payments shall be on July 15, October 15, January 15, and April 15. In addition to quarterly payments, a final payment from the Trial Court Trust Fund for each fiscal year may be made on or before August 31 of the subsequent fiscal year.

(b) Notwithstanding any other provision of law, the fees listed in subdivision (c) shall all be deposited upon collection in a special account in the county treasury, and transmitted herefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(c) (1) Except as specified in subdivision (d), this section applies to all fees collected pursuant to Sections 631.3 and 116.230 of the Code of Civil Procedure and Sections 26820.4, 26823, 26826, 26826.01, 26827, 26827.4, 26830, 26832.1, 26833.1, 26835.1, 26836.1, 26837.1, 26838, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, 26862, 27081.5, 68086, 72055, 72056, 72056.01, and 72060.

(2) If any of the fees provided for in this subdivision are partially waived by court order, and the fee is to be divided between the Trial Court Trust Fund and any other fund, the amount of the partial waiver shall be deducted from the amount to be distributed to each fund in the same proportion as the amount of each distribution bears to the total amount of the fee.



(3) Any amounts transmitted by a county to the Controller for deposit into the Trial Court Trust Fund from fees collected pursuant to Section 27361 between January 1, 1998, and the effective date of this paragraph shall be credited against the total amount the county is required to pay to the state pursuant to paragraph (2) of subdivision (b) of Section 77201 for the 1997–98 fiscal year.

(d) This section does not apply to that portion of a filing fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056 which is allocated for dispute resolution pursuant to Section 470.3 of the Business and Professions Code, the county law library pursuant to Section 6320 of the Business and Professions Code, the Judges' Retirement Fund pursuant to Section 26822.3, automated recordkeeping or conversion to micrographics pursuant to Sections 26863 and 68090.7, and courthouse financing pursuant to Section 76238. This section also does not apply to fees collected pursuant to subdivisions (a) and (c) of Section 27361.

(e) This section applies to all payments required to be made to the Trial Court Trust Fund by any county or city and county pursuant to Section 77201, 77201.1, or 77205.

(f) Notwithstanding any other provision of law, no agency shall take action to change the amounts allocated to any of the above funds.

(g) Before making any apportionments under this section, the Controller shall deduct, from the annual appropriation for that purpose, the actual administrative costs that will be incurred under this section. Costs reimbursed under this section shall be determined on an annual basis in consultation with the Judicial Council.

(h) Any amounts required to be transmitted by a county or city and county to the state pursuant to this section shall be remitted to the Controller no later than 45 days after the end of the month in which the fees were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the Trial Court Trust Fund to which it is to be deposited. Any remittance which is not



made by the county or city and county in accordance with this section shall be considered delinquent, and subject to the penalties specified in this section.

(i) Upon receipt of any delinquent payment required pursuant to this section, the Controller shall calculate a penalty on any delinquent payment by multiplying the amount of the delinquent payment at a daily rate equivalent to $1\frac{1}{2}$ percent per month for the number of days the payment is delinquent. Notwithstanding Section 77009, any penalty on a delinquent payment that a court is required to reimburse to a county's general fund pursuant to this section and Section 24353 shall be paid from the Trial Court Operations Fund for that court.

(j) Penalty amounts calculated pursuant to subdivision (i) shall be paid by the county to the Trial Court Trust Fund no later than 45 days after the end of the month in which the penalty was calculated.

(k) The Trial Court Trust Fund shall be invested in the Surplus Money Investment Fund and all interest earned shall be allocated to the Trial Court Trust Fund semiannually and shall be allocated among the courts in accordance with the requirements of subdivision (a). The specific allocations shall be specified by the Judicial Council, based upon recommendations from the Trial Court Budget Commission.

(l) It is the intent of the Legislature that the revenues required to be deposited into the Trial Court Trust Fund be remitted as soon after collection by the courts as possible. Not later than February 1, 2000, the Judicial Council, in consultation with the California State Association of Counties and the California County Auditors Association, shall study and make recommendations to the Legislature on alternative procedures that would improve the collection and remittance of revenues to the Trial Court Trust Fund.

SEC. 8. Section 70141 of the Government Code is amended to read:

70141. (a) To assist the court in disposing of its business connected with the administration of justice, the superior court of any city and county may appoint not



exceeding 10 commissioners, and the superior court of every county, except a county with a population of 4,000,000 or over, may appoint one commissioner. Each person so appointed shall be designated as “court commissioner” of the county.

(b) In addition to the court commissioners authorized by subdivision (a) or any other provision of law, either the superior court or the municipal court, but not both, of any county or city and county may appoint one additional commissioner, at the same rate of compensation as the other commissioner or commissioners for that court, upon adoption of a resolution by the board of supervisors pursuant to subdivision (c).

(c) The county or city and county shall be bound by, and the resolution adopted by the board of supervisors shall specifically recognize, the following conditions:

(1) The county or city and county has sufficient funds for the support of the position and any staff who will provide direct support to the position, agrees to assume any and all additional costs that may result therefrom, and agrees that no state funds shall be made available, or shall be used, in support of this position or any staff who provide direct support to this position.

(2) The additional commissioner shall not be deemed a judicial position for purposes of calculating trial court funding pursuant to Section 77202.

(3) The salary for this position and for any staff who provide direct support to this position shall not be considered as part of court operations for purposes of Sections 77003 and 77204.

(4) The county or city and county agrees not to seek funding from the state for payment of the salary, benefits, or other compensation for such a commissioner or for any staff who provide direct support to such a commissioner.

(d) The court may provide that the additional commissioner may perform all duties authorized for a commissioner of that court in the county. In a county or city and county that has undertaken a consolidation of the trial courts, the additional commissioner shall be



appointed by the superior or municipal courts pursuant to the consolidation agreement.

(e) In addition to the court commissioners authorized by subdivisions (a) and (b), the superior court of any county or city and county shall appoint additional commissioners pursuant to Sections 4251 and 4252 of the Family Code. These commissioners shall receive a salary equal to 85 percent of a superior court judge's salary.

SEC. 9. Section 72055 of the Government Code is amended to read:

72055. The total fee for filing of the first paper in a limited civil case, shall be ninety dollars (\$90), except that in cases where the amount demanded, excluding attorney's fees and costs, is ten thousand dollars (\$10,000) or less, the fee shall be eighty-three dollars (\$83). The amount of the demand shall be stated on the first page of the paper immediately below the caption.

This section applies to the initial complaint, petition, or application, and any papers transmitted from another court on the transfer of a civil action or proceeding, but does not include documents filed pursuant to Section 491.150, 704.750, or 708.160 of the Code of Civil Procedure.

The term "total fee" as used in this section and Section 72056 includes any amount allocated to the Judges' Retirement Fund pursuant to Section 72056.1, any automation fee imposed pursuant to Section 68090.7, any construction fee imposed pursuant to Section 76238, and the law library fee established pursuant to Article 2 (commencing with Section 6320) of Chapter 5 of Division 3 of the Business and Professions Code. The term "total fee" as used in this section and Section 72056 also includes any dispute resolution fee imposed pursuant to Section 470.3 of the Business and Professions Code, but the board of supervisors of each county may exclude any portion of this dispute resolution fee from the term "total fee."

The fee shall be waived in any action for damages against a defendant, based upon the defendant's commission of a felony offense, upon presentation to the clerk of the court of a certified copy of the abstract of judgment of conviction of the defendant of the felony



giving rise to the claim for damages. If the plaintiff would have been entitled to recover those fees from the defendant had they been paid, the court may assess the amount of the waived fees against the defendant and order the defendant to pay that sum to the county.

SEC. 10. Section 77009 of the Government Code is amended to read:

77009. (a) For the purposes of funding trial court operations, each board of supervisors shall establish in the county treasury a Trial Court Operations Fund, which will operate as an agency fund. All funds appropriated in the Budget Act and allocated and reallocated to each court in the county by the Judicial Council shall be deposited into the fund. Accounts shall be established in the Trial Court Operations Fund for each trial court in the county, except that one account may be established for courts which have a unified budget. In a county where court budgets include appropriations for expenditures administered on a countywide basis, including, but not limited to, court security, centralized data processing and planning and research services, an account for each centralized service shall be established and funded from those appropriations.

(b) The moneys of the Trial Court Operations Fund arising from deposits of funds appropriated in the Budget Act and allocated or reallocated to each court in the county by the Judicial Council shall be payable only for the purposes set forth in Sections 77003 and 77006.5, and for services purchased by the court pursuant to subdivisions (b) and (c) of Section 77212. The presiding judge of each court in a county, or his or her designee, shall authorize and direct expenditures from the fund and the county auditor-controller shall make payments from the funds as directed. Approval of the board of supervisors is not required for expenditure from this fund.

(c) All funds received by a trial court from any source shall be deposited in the trial court operations fund, except as provided in this section. Funds that are received to fulfill the requirements of Article 4 (commencing with



Section 4250) of Chapter 2 of Part 2 of Division 9 and Division 14 (commencing with Section 10000) of the Family Code shall be identified and maintained in a separate account established in the fund for this purpose. All other funds that are received for purposes other than court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court, shall be identified and maintained in one or more separate accounts established in the fund pursuant to procedures adopted by the Judicial Council. This subdivision shall only apply to funds received by the courts for operating and program purposes. This subdivision shall not apply to either of the following:

(1) Funds received by the courts pursuant to Section 68084, if those funds are not for operating or program use.

(2) Payments from a party or a defendant received by a trial court or the county for any fees, fines, or forfeitures.

(d) Interest received by a county which is attributable to investment of money required by this section to be deposited in its Trial Court Operations Fund shall be deposited in the fund and shall be used for trial court operations purposes.

(e) In no event shall interest be charged to the Trial Court Operations Fund, except as provided in Section 77009.1.

(f) Reasonable administrative expenses incurred by the county associated with the operation of this fund shall be charged to each court on a pro rata basis in proportion to the total amount allocated to each court in this fund.

(g) A county, or city and county, may bill trial courts within its jurisdiction for costs for services provided by the county, or city and county, as described in Sections 77003 and 77212, including indirect costs as described in paragraph (7) of subdivision (a) of Section 77003 and Section 77212. The costs billed by the county, or the city and the county, pursuant to this subdivision shall not exceed the costs incurred by the county, or the city and the county, of providing similar services to county departments or special districts.



(h) Pursuant to Section 77206, the Controller, at the request of the Legislature or the Judicial Council, may perform financial and fiscal compliance audits of this fund.

(i) The Judicial Council with the concurrence of the Department of Finance and the Controller's office shall establish procedures to implement the provisions of this section and to provide for payment of trial court operations expenses, as described in Sections 77003 and 77006.5, incurred on July 1, 1997, and thereafter.

(j) The Judicial Council shall study alternative methods for the establishment and management of the Trial Court Operations Fund as provided in this section, and shall report its findings and recommendations to the Legislature not later than November 1, 1998.

SEC. 11. Section 77201.1 of the Government Code, as amended by Section 1 of Chapter 1017 of the Statutes of 1998, is amended to read:

77201.1. (a) Commencing on July 1, 1997, and each year thereafter, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

(b) Commencing in the 1999–2000 fiscal year, and each fiscal year thereafter, each county shall remit to the state in four equal installments due on October 1, January 1, April 1, and May 1, the amounts specified in paragraphs (1) and (2), as follows:

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda	\$ 22,509,905
Alpine	—
Amador	—
Butte	—
Calaveras	—

Colusa	—
Contra Costa	11,974,535
Del Norte	—
El Dorado	—
Fresno	11,222,780
Glenn	—
Humboldt	—
Imperial	—
Inyo	—
Kern	9,234,511
Kings	—
Lake	—
Lassen	—
Los Angeles	175,330,647
Madera	—
Marin	—
Mariposa	—
Mendocino	—
Merced	—
Modoc	—
Mono	—
Monterey	4,520,911
Napa	—
Nevada	—
Orange	38,846,003
Placer	—
Plumas	—
Riverside	17,857,241
Sacramento	20,733,264
San Benito	—
San Bernardino	20,227,102
San Diego	43,495,932
San Francisco	19,295,303
San Joaquin	6,543,068
San Luis Obispo	—
San Mateo	12,181,079
Santa Barbara	6,764,792
Santa Clara	28,689,450
Santa Cruz	—



Shasta	—
Sierra	—
Siskiyou	—
Solano	6,242,661
Sonoma	6,162,466
Stanislaus	3,506,297
Sutter	—
Tehama	—
Trinity	—
Tulare	—
Tuolumne	—
Ventura	9,734,190
Yolo	—
Yuba	—

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below which is based on an amount of fine and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001, 1463.07, and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda	\$ 9,912,156
Alpine	58,757
Amador	265,707
Butte	1,217,052
Calaveras	310,331
Colusa	397,468
Contra Costa	4,168,194
Del Norte	553,730
El Dorado	1,028,349
Fresno	3,695,633
Glenn	360,974
Humboldt	1,025,583
Imperial	1,144,661
Inyo	614,920
Kern	5,530,972



Kings	982,208
Lake	375,570
Lassen	430,163
Los Angeles	71,002,129
Madera	1,042,797
Marin	2,111,712
Mariposa	135,457
Mendocino	717,075
Merced	1,733,156
Modoc	104,729
Mono	415,136
Monterey	3,330,125
Napa	719,168
Nevada	1,220,686
Orange	19,572,810
Placer	1,243,754
Plumas	193,772
Riverside	7,681,744
Sacramento	5,937,204
San Benito	302,324
San Bernardino	8,511,193
San Diego	16,166,735
San Francisco	4,046,107
San Joaquin	3,562,835
San Luis Obispo	2,036,515
San Mateo	4,831,497
Santa Barbara	3,277,610
Santa Clara	11,597,583
Santa Cruz	1,902,096
Shasta	1,044,700
Sierra	42,533
Siskiyou	615,581
Solano	2,708,758
Sonoma	2,316,999
Stanislaus	1,855,169
Sutter	678,681
Tehama	640,303
Trinity	137,087
Tulare	1,840,422



Tuolumne	361,665
Ventura	4,575,349
Yolo	880,798
Yuba	289,325

(3) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(4) Except for those counties with a population of 70,000, or less, on January 1, 1996, the amount a county is required to remit pursuant to paragraph (1) shall be adjusted by the amount equal to any adjustment resulting from the procedures in subdivisions (c) and (d) of Section 77201 as that section read on June 30, 1998, to the extent a county filed an appeal with the Controller with respect to the findings made by the Department of Finance. This paragraph shall not be construed to establish a new appeal process beyond what was provided by Section 77201, as that section read on June 30, 1998.

(5) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county, and (B) the county's portion of fines and forfeitures transmitted to the state in the 1994–95 fiscal year, shall reduce that county's remittance specified in paragraph (2) of this subdivision by an equal amount. Nothing in this paragraph is intended to limit judicial sentencing discretion.

(c) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(d) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of youth authority charges.

(e) County base year remittance requirements specified in paragraph (2) of subdivision (b) incorporate

specific reductions to reflect those instances where the Department of Finance has determined that a county's remittance to both the General Fund and the Trial Court Trust Fund during the 1994-95 fiscal year exceeded the aggregate amount of state funding from the General Fund and the Trial Court Trust Fund. The amount of the reduction was determined by calculating the difference between the amount the county remitted to the General Fund and the Trial Court Trust Fund and the aggregate amount of state support from the General Fund and the Trial Court Trust Fund allocated to the county's trial courts. In making its determination of whether a county is entitled to a reduction pursuant to that paragraph, the Department of Finance subtracted from county revenues remitted to the state, all moneys derived from the fee required by Section 42007.1 of the Vehicle Code and the parking surcharge required by subdivision (c) of Section 76000.

(f) Notwithstanding subdivision (e), the Department of Finance shall not reduce a county's base-year remittance requirement, as specified in paragraph (2) of subdivision (b), if the county's trial court funding allocation was modified pursuant to the amendments to the allocation formula set forth in paragraph (4) of subdivision (d) of Section 77200, as amended by Chapter 2 of the Statutes of 1993, to provide a stable level of funding for small county courts in response to reductions in the General Fund support for the trial courts.

(g) In any fiscal year in which a county of the first class pays the employer-paid retirement contribution for court employees, or any other employees of the county who provide a service to the court, and the amounts of those payments are charged to the budget of the courts, the sum the county is required to pay to the state pursuant to paragraph (1) of subdivision (b) shall be increased by the actual amount charged to the trial court up to twenty-three million five hundred twenty-seven thousand nine hundred forty-nine dollars (\$23,527,949) in that fiscal year. The county and the trial court shall report



to the Controller and the Department of Finance the actual amount charged in that fiscal year.

(h) This section shall become operative on July 1, 1999.

SEC. 12. Section 77212 of the Government Code is amended to read:

77212. (a) The State of California, the counties of California, and the trial courts of California, recognize that a unique and interdependent relationship has evolved between the courts and the counties over a sustained period of time. While it is the intent of this act to transfer all fiscal responsibility for the support of the trial courts from the counties to the State of California, it is imperative that the activities of the state, the counties, and the trial courts be maintained in a manner that ensures that services to the people of California not be disrupted. Therefore, to this end, during the 1997–98 fiscal year, commencing on July 1, 1997, counties shall continue to provide and courts shall continue to use, county services provided to the trial courts on July 1, 1997, including, but not limited to: auditor/controller services, coordination of telephone services, data processing and information technology services, procurement, human resources services, affirmative action services, treasurer/tax collector services, county counsel services, facilities management, and legal representation. These services shall be provided to the court at a rate that shall not exceed the costs of providing similar services to county departments or special districts. If the cost was not included in the county base pursuant to paragraph (1) of subdivision (b) of Section 77201 or was not otherwise charged to the court prior to July 1, 1997, and were court operation costs as defined in Section 77003 in fiscal year 1994–95, the court may seek adjustment of the amount the county is required to submit to the state pursuant Section 77201.

(b) In fiscal year 1998–99 commencing on July 1, 1998, and thereafter the county may give notice to the court that the county will no longer provide a specific service except that the county shall cooperate with the court to ensure that a vital service for the court shall be available

from the county or other entities that provide such services. The notice must be given at least 90 days prior to the end of the fiscal year and shall be effective only upon the first day of the succeeding fiscal year.

(c) In fiscal year 1998–99, commencing on July 1, 1998, and thereafter, the court may give notice to the county that the court will no longer use a specific county service. The notice shall be given at least 90 days prior to the end of the fiscal year and shall be effective only upon the first day of the succeeding fiscal year. However, for three years from the effective date of this section, a court shall not terminate a service that involved the acquisition of equipment, including, but not limited to, computer and data processing systems, financed by a long-term financing plan whereby the county is dependent upon the court's continued financial support for a portion of the cost of the acquisition.

(d) (1) If a trial court desires to receive or continue to receive a specific service from a county or city and county as provided in subdivision (c), and the county or city and county desires to provide or continue to provide that service as provided in subdivision (b), the presiding judge of that court and the county or city and county shall enter into a contract for that service. The contract shall identify the scope of service, method of service delivery, term of agreement, anticipated service outcomes, and the cost of the service. The court and the county or city and county shall cooperate in developing and implementing the contract.

(2) This subdivision applies to services to be provided in fiscal year 1999–2000 and thereafter.

SEC. 13. Section 77654 of the Government Code is amended to read:

77654. (a) The task force shall be appointed on or before October 1, 1997.

(b) The task force shall meet and establish its operating procedures on or before September 1, 1998, and submit its plan for the entire review of court facilities by October 1, 1998, to the Judicial Council, Legislature, and Governor.



(c) The task force shall review all available court facility standards and make preliminary determinations of acceptable standards for construction, renovation, and remodeling of court facilities, and shall report those preliminary determinations to the Judicial Council, the Legislature, and the Governor in an interim report on or before July 1, 1999.

(d) The task force shall complete a survey of all trial and appellate court facilities in the state and report its findings to the Judicial Council, the Legislature, and the Governor in a second interim report on or before January 1, 2001. The report shall document all of the following:

(1) The state of existing court facilities.

(2) The need for new or modified court facilities.

(3) The currently available funding options for constructing or renovating court facilities.

(4) The impact which creating additional judgeships has upon court facility and other justice system facility needs.

(5) The effects which trial court coordination and consolidation have upon court and justice system facilities needs.

(6) Administrative and operational changes which can reduce or mitigate the need for added court or justice system facilities.

(7) Recommendations for specific funding responsibilities among the entities of government including full state responsibility, full county responsibility, or shared responsibility.

(8) A proposed transition plan if responsibility is to be changed.

(9) Recommendations regarding funding sources for court facilities and funding mechanisms to support court facilities.

(e) The interim reports shall be circulated for comment to the counties, the judiciary, the Legislature, and the Governor. The task force may also circulate these reports to users of the court facilities.

(f) The task force shall submit a final report to the Judicial Council, the Legislature, and the Governor on or

before July 1, 2001. The report shall include all elements of the interim reports incorporating any changes recommended by the task force in response to comments received.

(g) Notwithstanding any other provision of law, during the period from July 1, 1997, to June 30, 2001, the board of supervisors of each county shall be responsible for providing suitable and necessary facilities for judicial officers and court support staff for judicial positions created prior to July 1, 1996, to the extent required by Section 68073. The board of supervisors of each county shall also be responsible for providing suitable and necessary facilities for judicial officers and court support staff for judgeships authorized by statutes chaptered in 1996 to the extent required by Section 68073, provided that the board of supervisors agrees that new facilities are either not required or that the county is willing to provide funding for court facilities. Unless a court and a county otherwise mutually agree, the state shall assume responsibility for suitable and necessary facilities for judicial officers and support staff for any judgeships authorized during the period from January 1, 1998, to June 30, 2001. If, however, the state assumes full responsibility for court facilities after June 30, 2001, a county shall be reimbursed for costs incurred by the county general fund for new court facilities constructed or under construction between January 1, 2000, and the date of the state assumption of responsibility for court facilities. If the state assumes a shared responsibility for court facilities after June 30, 2001, a county shall be reimbursed for costs incurred by the county general fund for new court facilities constructed or under construction between January 1, 2000, and the date of the state assumption of shared responsibility for court facilities, in the same proportion as the state's responsibility for court facilities after June 30, 2001.

SEC. 14. Section 1037 of the Penal Code is amended to read:

1037. (a) When a court orders a change of venue to a court in another county all costs incurred by that court



or county, which are not payable pursuant to Section 4750, for the transfer, preparation and trial of the action, the guarding, keeping and transportation of the prisoner, any appeal or other proceeding relating to the action and execution of the sentence shall be a charge against the court or the county in which the action originated. For the purposes of this section, costs that are included in the definition of court operations as defined in Section 77003 of the Government Code and Rule 810 of the California Rules of Court shall be considered court costs and are a charge against the court in the county in which the action originated. All other costs shall be considered county costs and are a charge against the county in which the action originated.

(b) Claims for the costs described in subdivision (a) shall be forwarded to the treasurer and auditor of the county in which the action originated. The treasurer shall pay the amount of county costs out of the general funds of the county. The presiding judge of the court, or his or her designee, shall authorize, and the treasurer shall pay, the amount of court costs out of the Trial Court Operations Fund as directed by the court. Payments for claims for court costs shall be deposited into the local trial court operations fund established pursuant to Section 77009 of the Government Code.

(c) The term “all costs” means all reasonable and necessary costs incurred by the county or court as a result of the change of venue which would not have been incurred but for the change, and does not include normal salaries, overhead, and other expenses which would have been incurred by the county or court in any event.

(d) The trial court may, in its sound discretion, approve any cost as reasonable and necessary under this section. Prior to the trial court’s issuing any order approving such a cost, the clerk shall give 10 days’ written notice of the court’s intention to issue an order to the auditor of the county in which the action originated. The auditor may appear for the limited purpose of opposing the issuance of the order. If he or she fails to appear, the



county of origin may not in any other proceeding contest the imposition of these costs.

SEC. 15. Section 100 of the Welfare and Institutions Code is amended to read:

100. The Judicial Council shall establish a planning and advisory group consisting of appropriate professional and program specialists to recommend on the development of program guidelines and funding procedures consistent with this chapter. At a minimum, the council shall adopt program guidelines consistent with the guidelines established by the National Court Appointed Special Advocate Association, and with California law; but the council may require additional or more stringent standards. State funding shall be contingent on a program adopting and adhering to the program guidelines adopted by the council.

The program guidelines adopted by the council shall be adopted and incorporated into local rules of court by each participating superior court as a prerequisite to funding pursuant to this chapter.

The council shall adopt program guidelines and criteria for funding which encourage multicounty CASA programs where appropriate, and shall in no case provide for funding more than one program per county.

The council shall establish in a timely fashion a request-for-proposal process to establish, maintain, or expand local CASA programs and require local matching funds or in-kind funds equal to the proposal request. The maximum state grant per county program per year shall not exceed thirty-five thousand dollars (\$35,000) in counties in which the population is less than 700,000 and shall not exceed fifty thousand dollars (\$50,000) in counties in which the population is 700,000 or more, according to the annual population report provided by the Department of Finance.

SEC. 16. Section 326 of the Welfare and Institutions Code is amended to read:

326. (a) For the purposes of Child Abuse Prevention and Treatment Act grants to states (Public Law 93-247), in all cases in which there is filed a petition based upon



alleged neglect or abuse of the minor, or in which a prosecution is initiated under the Penal Code arising from neglect or abuse of the minor, the probation officer or a social worker who files a petition under this chapter shall be the guardian ad litem to represent the interests of the minor in proceedings under this chapter, unless the court shall appoint another adult as guardian ad litem. However, the guardian ad litem shall not be the attorney responsible for presenting evidence alleging child abuse or neglect in judicial proceedings. No bond shall be required from any guardian ad litem acting under this section.

(b) This section shall become inoperative on July 1, 2000, and as of January 1, 2001, shall be repealed.

SEC. 17. Section 326.5 is added to the Welfare and Institutions Code, to read:

326.5. The Judicial Council shall adopt a rule of court, effective July 1, 2000, in compliance with the Child Abuse Prevention and Treatment Act (Public Law 93-247) that requires the appointment of a guardian ad litem, who may be an attorney or a court-appointed special advocate, for minors in cases in which there is filed a petition based upon neglect or abuse of the minor or in which a prosecution is initiated under the Penal Code arising from neglect or abuse of a minor. The rule may include guidelines to the courts for determining when an attorney should be appointed instead of a court-appointed special advocate and caseload standards for attorneys and court-appointed special advocates.

SEC. 18. The Legislature hereby declares that Section 811.9 of the Government Code, as added by this act, shall not be interpreted as applicable to, nor indicative of legislative preference of, an employment status for trial court employees. The Legislature recognizes that pursuant to Chapter 850 of the Statutes of 1997, the Task Force on Trial Court Employees will make recommendations to the Legislature regarding the status of trial court employees and any such determinations may be enacted in subsequent legislation.



SEC. 19. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.



Approved _____, 1999

Governor

